

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
September 25, 2012

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**Present:**

Caroline Murphy, Mayor  
Steve Braasch, Council Member  
Bob Dorsett, Jr., Council Member (arrived at 6:02 p.m.)  
Bill Goodwin, Council Member  
Jack McCool, Mayor Pro Tem

**Absent:**

Zelda Auslander, Council Member

**City Staff:**

Frank Salvato, City Administrator  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Katie Griffin, Director of Finance  
Lindsey Withrow, Director of Community Services  
Amy Kelley, Chief Information Officer  
Russell Pancoast, Chief of Police  
Giancarlo Patino, City Engineer  
Barbara Hathaway, Library Director

**Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, September 25, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

There were not any citizen comments at this time.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on September 11, 2012.
- B. Consider approval of the monthly financial and investment reports.
- C. Proclamation recognizing National Night Out on October 2, 2012.
- D. Consider approval of Resolution No. 2012-02 recognizing September 2012 as National Preparedness Month.
- E. Consider approval of an amendment to the Interlocal Agreement with the City of Austin regarding City of Bee Cave and City of Austin jurisdictional boundaries and restrictive covenants associated with Falconhead West.
- F. Discuss and consider action on an amendment to the Chapter 380 Agreement with the Hill Country Galleria

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve the consent agenda as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool Council Members Braasch, Dorsett and Goodwin  
Voting Nay: None  
Absent: Council Member Auslander

The motion carried.

**Discuss and consider action on the site plan amendment for Hill Country Galleria Lot 20, Block A, located at 13413 Galleria Circle.**

City Engineer Giancarlo Patino presented this item.

**MOTION:** A motion was made by Council Member Braasch, seconded by Council Member Goodwin, to approve the site plan amendment for Hill Country Galleria Lot 20, Block A, subject to updating the impervious coverage calculations and screening of the transformer pad on the landscape plans.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool Council Members Braasch, Dorsett and Goodwin  
Voting Nay: None  
Absent: Council Member Auslander

The motion carried.

**Public hearing on a minor re-plat for Lot 22A in the Hill Country Galleria.**

Mayor Murphy called the public hearing to order at 6:07 p.m.

City Attorney Patty Akers stated that the Local Government Code allows the City Administrator to approve this re-plat administratively. A public hearing needs to be held to see if there is any protest but no action will be required by Council.

With no persons wishing to give public testimony during this item, the public hearing closed at 6:08 p.m. testimony

No action was taken on this item.

**Public hearing, discussion and possible action on Ordinance No. 124, amending the zoning for the Mountain Laurel Planned Development Neighborhood Services District regarding a senior living facility.**

Mayor Murphy called the public hearing to order at 6:08 p.m.

Lindsey Withrow, Director of Community Services, presented this item.

Bill McLean, Attorney for the applicant, addressed some of the code provisions relating to planned developments and justifications for the amendment.

Bill Walters, owner and developer of the property, was also present and spoke on this item.

Roger Dooley, 14409 Heron Bay Cove, stated that he appreciates the openness and cooperation from the developers of this project. He asked questions about the 100 feet no disturbance zone and the rear retaining wall.

With no other persons wishing to give public testimony during this item, the public hearing closed at 6:32 p.m.

**Executive Session on above item.**

The City Council closed the Open Session at 6:41 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

The City Council closed the Executive Session at 6:54 p.m. and reconvened in Regular Session in the Council Chambers.

Mrs. Akers reviewed the proposed changes to the development standards as follows:

Section A, (2) Subsection d – Add a sentence that “the footprint and layout of the day care center will be approved at site plan approval; Subsection ad – Change Community to Continuing; Subsection ae – add outpatient to the first sentence; Section 3 – the building square feet is 45,000 not 43,260; Section 5 – add a sentence “Infiltration trench to the water quality zone is allowed in the 25 foot setback.” And to include the slide of the water quality pond to be made part of the concept plan.

**MOTION:** A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to approve Ordinance No. 124 as amended.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool Council Members Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	Council Member Auslander

The motion carried.

**Discuss and consider action on a Site and NPS plan (alternate innovative water quality control) for Design Office Building Center located at 3813 Juniper Trace.**

Mr. Patino presented this item.

Members of the Council had questions about the number of compact parking spaces.

Joel Nixon, Vice President from Civilitude Engineers, was available to answer questions.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the site and NPS plan for Design Office Building Center.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool Council Members Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	Council Member Auslander

The motion carried.

**Executive Session**

The City Council closed the Open Session at 7:08 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.
- B. Consultation with Attorney regarding a proposed gas distribution utility franchise.

The City Council closed the Executive Session at 7:29 p.m. and reconvened in Regular Session in the Council Chambers.

**Discuss and consider action on Ordinance No. 129, approving an agreement and granting a gas distribution utility franchise to Texas Gas Service.**

City Administrator Frank Salvato reported on this item.

Margaret Choate von Flatern, Manager Customer Development with Texas Gas Service and Janet Reinarz, Attorney, were present at the meeting to answer questions.

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve Ordinance No. 129 approving an agreement and granting a gas distribution utility franchise to Texas Gas Service.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool Council Members Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	Council Member Auslander

The motion carried.

**Discuss and consider action on Ordinance No. 125, an ordinance amending the budget for FY 2011-2012 for the Economic Development Corporation**

**MOTION:** A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to approve Ordinance No. 125 amending the budget for FY 2011-12 for the Economic Development Corporation.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool Council Members Braasch, Dorsett and Goodwin  
Voting Nay: None  
Absent: Council Member Auslander

The motion carried.

**Discuss and consider action on Ordinance No. 126, an ordinance adopting a budget for FY 2012-2013 for the Economic Development Corporation.**

**MOTION:** A motion was made by Council Member Braasch, seconded by Council Member Goodwin, to approve Ordinance No. 126 adopting a budget for FY 2012-13 for the Economic Development Corporation.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool Council Members Braasch, Dorsett and Goodwin  
Voting Nay: None  
Absent: Council Member Auslander

The motion carried.

**Discuss and consider action on Ordinance No. 127, an ordinance of the City of Bee Cave amending the Annual Budget for Fiscal Year 2011-2012.**

**MOTION:** A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to approve Ordinance No. 127 amending the Annual City Budget for FY 2011-2012.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool Council Members Braasch, Dorsett and Goodwin  
Voting Nay: None  
Absent: Council Member Auslander

The motion carried.

**Discuss and consider action on Ordinance No. 128, an ordinance of the City of Bee Cave adopting an amended Fee Schedule and amending various fees charged by the City.**

Council Member Braasch requested that the Staff look at the solicitation charges.

Council Member Dorsett questioned the re-inspection fees and whether the homeowner was being charged.

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve Ordinance No. 128 adopting the fee schedule.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool Council Members Braasch, Dorsett and Goodwin  
Voting Nay: None  
Absent: Council Member Auslander

The motion carried.

**Adjournment**

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin  
Voting Nay: None  
Absent: None

The motion carried.

The City Council adjourned the meeting at 8:21 p.m.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary